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bears the title *Finanzwissenschaft und Verwaltungslehre*. It is in this volume that the chief alterations are to be noticed. The taxes on consumption (*Aufwandssteuern*), except the sugar tax and the import duties, are now treated by Professor Lehr, instead of by von Schall. Wagner still discusses the direct taxes and public debts, but he has modified his views in minor points as a concession to recent criticism. Von Reitzenstein has greatly expanded his article on "Communal Finance," and presents by far the most complete and valuable account of the history and present condition of local finance that has yet been published. In many of the chapters evidence is given of the increased interest in American conditions and recent discussions.

The other volumes show less changes except in the articles on fisheries and mines, patents and copyrights, where the previous collaborators have been replaced by Buchenberger, Schenkel and Kohler. As in the second edition, the editor himself takes up the general labor question. The reason why Professor Brentano, who so ably treated the subject in the first edition, could not see his way to publishing anything in the later editions, is known to every one who is at all acquainted with recent economic theory in Germany. Professor Schönberg acquits himself of his task with great erudition and ability. But his view may be called the imperial view. Whoever desires the other and independent point of view, will still seek to supplement this edition by the earlier edition which contains Brentano's monograph.

The handbook in its present form is a veritable cyclopædia, but more valuable than a cyclopædia because of its systematic arrangement. The contributors cover not only the whole science, but the whole civilized world. What such a work inevitably loses through overlapping and conflict of views it more than makes up in the wealth of its contents and in its systematic arrangement. Each volume is now supplied with a full index. The greatest praise that can be accorded to the work is to say that if a student could possess only one foreign work in economics, this third edition of Schönberg would be the one which every conscientious and intelligent teacher would necessarily recommend. It is in the fullest sense of the word indispensable to a complete survey of the whole subject.

E. R. A. S.

*Villainage in England.* Essays in English Mediæval History.

By PAUL VINOGRADOFF, Professor in the University of Moscow. Oxford, at the Clarendon Press, 1892. — 464 pp.

All scholars who are interested in any phase of economic history will welcome this work of a well-known Russian investigator, a first edition

of which was published in Russian some four or five years ago under the title : *Inquiries into the Social History of Mediæval England*. The present edition, however, is not a translation, but a work practically rewritten for the English-speaking public by Professor Vinogradoff himself. This has enabled the author to incorporate the results of recent investigation, most noteworthy of which are Professor Maitland's conclusions regarding manorial courts. English readers, therefore, are to be congratulated on receiving these riper fruits of the Russian professor's scholarship, because in the study of English villeinage this work marks an epoch and must serve all future investigators as a model and a guide.

The author's views in the Russian work have already been known from Professor Kovalevsky's review. His conclusions indicate a reaction toward the older view of the village community, and notwithstanding the fact that Professor Vinogradoff has cleared up hosts of difficult problems in the course of his discussion, it is evident that he has before him one thesis to support, namely, the freedom of the Saxon ceorl and the communal character of the Saxon vill. His method is a familiar one : starting with a strictly historical investigation, he seeks to trace clearly and exhaustively the consecutive stages in the development of English villeinage, not by taking selected examples, but by exploiting and analyzing all the evidence from the thirteenth century through Domesday to the Saxon period.

The central topic of his discussion, around which everything else revolves, is the community in villeinage ; the seignorial element lies more in the background and we are left wholly in the dark as to what Professor Vinogradoff considers to have been its origin. On one point, however, he is clear : the lord was, economically speaking, an organic part of the community ; he was not superimposed upon it. The seignorial element was not created by legislation, nor the communal characteristics by measures of taxation. Nevertheless, because manor and vill were not necessarily identical, they tended, as the result of a gradual development, to form two distinct units : the one a unit as regards geldability, — the estate proper ; the other a closely and powerfully organized community, of which the lord was merely a constitutional president. In such development the communal element has become overshadowed by the legal theory, although behind the feudal covering of the manor the corporate unity of the township is plainly to be seen, forming a distinct element in the matter of services and labor. In the evidence of the thirteenth century, although these two parts form theoretically one manorial unit, they do not in fact always fit together into one working whole.

Of the two essays which make up this volume the first relates chiefly to the legal and customary status of villeinage, the second to the agrarian system. Neither is complete without the other ; to the analysis of the

status of the individuals must be added the analysis of their economic and political groups. It is this completeness of Professor Vinogradoff's work which gives the reader confidence in his conclusions. He has carefully examined the material in print and manuscript and has analyzed all phases of village and manorial life. After an elaborate introduction bearing on the history and literature of his subject, he takes up the legal aspect of villeinage. He finds that the political disability of the peasantry had gone so far as to warrant Bracton in assuming the Roman laws of slavery for the English villein; this may serve as an apology for Bracton but it also betrays his lack of real knowledge. The simplicity and rigidity of legal contrasts, however, our author thinks were largely modified by the influence of historical tradition and practical life. For example, the customary distinction between villeins regardant and villeins in gross was not a difference of status, as is commonly thought, but rather a mode of pleading by which the lord could prove his title. In the same way Professor Vinogradoff everywhere finds evidence contradictory to the legal teaching—evidence which shows that the servile class had civil rights and duties at the very time when the law books treated villeinage as slavery. These contradictions, as due to historical conditions, can be seen in their most complete form on the ancient demesne; not because the law actually recognized the ancient demesne privileges, but because the ancient demesne tenantry, though developed from the same stem as villeins in general, had retained their ancient rights much less distorted. The ancient demesne privileges therefore seem to throw great light upon rights and exemptions in the time of Edward the Confessor. Such privileges as freedom from taxation, separate jurisdiction and exemption from toll, point to a life of greater freedom rather than greater serfdom for the Anglo-Saxon people as a whole before the Conquest. According to the author the degradation of the villein is traceable to three sources: personal subjection, which had its historical root in slavery; economical subjection, arising from burdens imposed primarily upon the land, but which the holder of such land must bear; and manorial exactions, arising from the political powers conferred by feudal lordship. These are historical causes; the relations developed from the last two processes would rest originally on economic and jurisdictional distinctions, though in time all groups would become more and more bound up together, the incidents of servitude tending to attach themselves to persons originally free. Further analysis of these customs, odd and capricious as they seem to be, shows traces of serious and burdensome seignorial limitations; custom and tradition were in numbers of instances obstructive to the exercise of full lordship.

On this general subject Professor Vinogradoff reaches other important

conclusions. Money rent, he finds, was not always the result of commutation. In many cases it was clearly a customary payment of a part of the Saxon people who had always remained free from base labor. The "hundredors" also, so called because of their attendance at the hundred-court, represent the villeins, not the freemen, and point to an original constitution of hundred and county derived from a social system which contained no traces of the feudal contrast between freeholder and villein. There seems an indication here that the feudal villeinage represented an original population economically as well as personally free. Furthermore, the custom of Kent contradicts the generalizations based upon the absence of the elements of freedom in Domesday, and indicates that freedom was an important constitutive element in the historical process leading to feudalism. From this it is probable that thirteenth-century freeholders were entered as villeins in Domesday, emerging again afterwards in spite of the influence of feudalism. In this important conclusion Vinogradoff stands opposed to the majority of modern writers.

Turning from the examination of personal status to the study of rural rents and works, Professor Vinogradoff reaches the same conclusions. All evidence shows the compact, indivisible, communal nature of the village organization, — a condition due to no outside pressure or legislation. Compulsory rotation, intermixture of strips, relations with pasture and wood — bear strong witness to the original communal arrangement. Mr. Seebohm's view as to the cause of the intermixture of strips is inadmissible, as such intermixture could only have been due to the desire to equalize the distribution, and was rendered necessary by the varied nature of the land surface. These conclusions, resting mainly upon thirteenth-century cases of distribution, would find support, I think, from a study of the New England system. Similar support could have been found for another view supplemental to the above. Professor Vinogradoff thinks that if single strips had become private property after the first allotment, the inconvenient intermixture would soon have ceased. In New England allotments similar, though not of course identical, did become private property, and in consequence no activity is more marked during the first few years of town history than the activity in real estate. But this did not happen in the English community; the holdings were indivisible, and the scattered strips could not be united. Such bundles, or virgates, included not only the arable land, but rights also in pasture and woodland; all went together, and this explains many curious customs relative to the oxen and the pasture, — customs to which the lord also was bound. This is not necessarily inconsistent with the gavelkind tenure of Kent; for a number of heirs might have rights in a holding, which, because of the burdens upon it, *would not*

be divided, while the oxen, which were a necessary part of such holding, *could* not. In summing up the services, Professor Vinogradoff again says that the thirteenth-century services show greater burdens than those of the eleventh.

Two other matters of interest may be briefly noted. It has been customary among opponents of the old theory to consider the regularity of the villein system and the capricious and disorderly phenomena of the freehold tenure as representing respectively an original servile communal organization and a system of freeholding not communal. Professor Vinogradoff modifies this by saying that he finds clear evidence in all the irregularities of the freehold plots of a system similar to that on villein soil, and he thinks that a process of disruption has taken place more rapidly in this instance. From this he argues that the freeholds stand for feoffments made to favored persons, enfeoffed at different times and under different conditions, while at the same time many such tenements appear as a later growth engrafted on a system already in decay. The other point refers to the matter of surrender and admittance, which is usually taken to characterize the absolute ownership of the lord. As over against this there would seem to be much reason to believe that the lord or his steward stood in this matter not as owner but as middleman, a well-known intermediary in land transfers in early Germanic law. This view sustains the original communal authority of the community.

Among other evidence upon which similar argument is based we may note: the leanings of the courts in favor of the liberty of a serf; the fact that the lord's power over a serf was entirely bound up with the manorial organization; the influence of geld-rolls, where fixed hidation got out of accord with growing agrarian conditions; the origin and growth of the farm-system; the fact that the lord's strips followed the same course of husbandry and were limited by the same regulations as the villein's; the influence of external agencies which have tended to distort the original arrangement.

There are many questions of smaller moment upon which Professor Vinogradoff has thrown much light, such as "merchet," which Mr. Pike has recently attempted to solve in the preface to Year Book 15, Edward III., "borough English," "acrewara," "molmen," "socmen," as well as the many names of lesser tenants whose position is so perplexing.

But enough has been said to show the importance of Professor Vinogradoff's work. I believe that by it the burden of proof is thrown upon the supporters of the village in serfdom. All scholars will, however, look with interest for the publication of the second volume, which is to treat of the evidence of Domesday and the eleventh century.

CHARLES M. ANDREWS.